

## **Village of Shawnee Hills Council Meeting Minutes**

**October 22, 2018**

Mayor Monahan called the meeting to order at 7:00 p.m.

Council in Attendance: Mary Gates, Geoff Hanna, Dan Mathews, Renee Matney, Jeff Stacy and Robert Thatcher

Also Present: Fiscal Officer Shirley Roskoski, Administrator Steve DeBolt and Solicitor Brian Zets

### **Minutes**

It was moved by Thatcher, seconded by Matney to approve the minutes of October 8, 2018. Following vote on the motion is recorded: yea, 6; Gates, Hanna, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 6-0 vote.

### **Agenda**

It was moved by Gates, seconded by Mathews to approve the agenda. Following vote on the motion is recorded: yea, 6; Gates, Hanna, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 6-0 vote.

### **Solicitor**

Brian said I worked with Mark and Steve and the Mayor on some different zoning issues. We had quite a few things pop up recently. Steve will probably also report on the vacant building registration form that he has been working very hard on. Council passed the legislation and now to actually make it work and become part of the registry we had to create the forms and Steve has been working on that. Last week I was at ABR which heard Jeff Parenteau's application for his development. That was tabled as he has a little more work to do on that. Mayor's Court is running well and I was up in Delaware County this morning with a zoning case. That has been resolved so we now have no cases pending in Delaware.

### **Village Administrator**

Steve said as Brian mentioned the vacant building registration that went into effect. Just a clarification for public record and for the benefit of the audience here, again, this is your intent to be proactive in trying to make sure that structures that are vacant don't end up being blighted as per our ordinances. This will require a yearly fee and the encouragement to not keep it vacant because that fee will double each year therefore they are encouraged not to keep it vacant and do everything they can. Understanding that there are circumstances sometimes out of their control. They can get an exemption based on a number of things. One is if there is a clear weather or fire damage they can get an exemption for that. If there is construction or renovations going on that will be an exemption and if it's a legitimate for sale through a realtor, they would be able to get an exemption. Other than that they would have to comply with the ordinance.

As mentioned before, we are having trouble getting in touch with our former engineer to get some documents. I finally got a hold of him by chance, had a good discussion and the plans for the connector path have been on hold pending a number of things but legal matters between the current and former employee that he had that we now employ has been settled and that being the case we can all move on and I have a commitment from both parties that they will have to have some dealing with each other in the future and they will all work towards the betterment of the village. They have all agreed to that. In that vein, Pomeroy will continue to work on the connector path plans because they started it and it is under their seal so it is best to do that. They will provide us with the documents that we need. Also records from past projects.

Concord Township just dropped off the report today from the Insurance Services office. This is good for the residents because hopefully a lot of you will be able to get a discount on your homeowner's insurance. This will be in the newsletter also.

Brian has the final draft of the village policy and procedure manual. I want to thank Brian and mainly Russ, as he has done the bulk of the work on this.

The village truck is scheduled to be delivered next month. We had to take the current truck in to have some things taken off of it that we were able to salvage to save us some money. They will be installed on the new truck.

Just for resident's benefits, a survey crew that we hired to do the required EPA inspections have been working throughout the village on this project.

Our guys should be wrapping up their sewer inspections soon.

On the insurance issue, the waterline increases that the village has done over the years helped to get the better rating for Concord Township Fire Department.

### **Police Chief**

Chief Baron said I attended the Delaware County Law Enforcement Executives meeting last week. At the village picnic, we made several child ID kits. I attended Cops and Kids Day in Westerville. We depleted our sticker supply. We had officers attend Safety Week at the Oxford School. We had about twenty people attend our Police bonfire. It was good interaction with the community.

Staffing – we hired Zachary Gerdeman as part time. He is currently full time with the Ohio Health Police Department. He is looking to get some road experience. Officer Goetz and Officer Douglass have both moved on. Officer Goetz accepted a position with the Career Center. She is running their fire program and Officer Douglass moved closer to the State Bureau of Criminal Investigations where he works now.

I want to take a minute and talk about a legislative piece on the agenda tonight that I worked with Mary on, regarding State Issue 1. It is a non-partisan issue. The Ohio Association Chiefs of Police, which I am a member of, the Ohio Municipal League, the Ohio Prosecuting Attorney's Association have all spoken out against Issue 1. I want to relay some facts that have come to us

through the Sheriff's office and all those aforementioned entities. Half of one percent of the individuals booked into the Delaware County jail in the past twenty-one months was for marijuana related charges. Ohio already offers individuals that are charged with felony drug offenses intervention in lieu of conviction in an attempt to help people move on from their addiction. Currently if someone ends up in jail for a low level drug related felony, they have bypassed several opportunities that they have already been given. The big one, it changes your lower felony drug offenses to misdemeanors. Putting that in perspective, a quote today from the Ohio Association Chiefs of Police, possessing nineteen grams of fentanyl, which has been the hot button item that is mixed with heroin causing the overdose problem, will become a misdemeanor. That amount of fentanyl mixed with another substance could potentially kill up to ten thousand people. That would be a misdemeanor. We would not be able to send the person to prison. Their only punishment would be probation.

Council member Stacy asked wouldn't the nineteen grams be considered trafficking.

Chief Baron said no. In Ohio there is no possession with intent to sell. In order for it to be trafficking we have to prove that they were selling the drug. You can have two times the drug and it is not trafficking unless you are selling it.

Another fact, possession of marijuana and associated paraphernalia is already a non-jailable minor misdemeanor offense, both in the village and State law. It is along the same lines as a traffic citation. The maximum penalty people can get out of this is a fine. Individuals on probation will not be sent to prison if they violate a non-criminal matter. Items such as restitution for victims, failing to attend mandatory treatment, and failing to report to a probation officer will have no consequences if Issue 1 passes. All the things that Ohio does to help these people get treatment, Issue 1 is not going to allow us to do that. Issue 1 will shift financial responsibility for holding criminals accountable from the State to local governments who will take on the cost of treatment, probation and jail. It will save the State money. California passed something similar. They saw a very minimal reduction in their cost but it shifted the burden to all the municipalities. Looking at our budget for next year I don't think we can take on any more financial responsibilities. Lower penalties and removing the fear of punishment will increase drug use. That's a fact. If you take away the punishment, the action is going to increase. This will cause more deaths. Ohio is currently ranked number two in the country for overdose deaths. I am not saying the current way we are handling the situation is correct. We need to come to another solution. I just don't think Issue 1 is good. I don't think it is good for Ohio, Delaware County or the Village. I thank Mary and the rest of Council that are going to consider passing a resolution to oppose Issue 1.

Trick of Treat Tailgate is October 31<sup>st</sup> at 4:00 p.m. We will be serving hamburgers and hot dogs.

### **Visitors**

Shelia Hiddleston, Delaware General Health Commissioner, said she is stopping by to give us some updates. The Community Health Improvement Plan, as an accredited health district we are required to be doing that planning. Our current community health improvement plan (CHIP) finishes at the end of this year so we are in the process of writing a new one. When I say we, it is not the health district, it is the Partnership for a Healthier Delaware County. There are about 120 community members, businesses, churches, and other organizations that are on there. There have

been about 75 actively participating this year. We are almost finished. We will have two primary priorities and then there will be an underlying priority that we are calling cross cutting. We will have a mental health priority and that will include bullying. That was one of the things that came out of the youth assessment. Suicide came out of both the adult and youth assessment and then obviously the substance and drug abuse issues. We will continue to work on those. The other has to do with chronic diseases. One of the things we will be looking at is pain control, particularly for chronic illnesses, which become sometimes the gateway for when people can't get their prescriptions anymore because the State of Ohio has done an excellent job with limiting the amount of medications the physicians can give to the patients and we track all of that. People continue to need that medication and they then go to the illegal drugs. We will have an overarching, underlying priority that will look at things like some of the social determinates of health such as housing, the food and security that we have been working on with the food hunger alliance in the last couple of years. Those will continue and right now we are flushing out those strategies.

You should have all received the District Advisory Newsletter today. If you did not receive one in your email, please let me know.

The big issue we are working on right now with our schools and trying to educate the community is the whole issue of e-cigarettes. We have seen a real increase in the number of youth that are using these. Unfortunately, the way that they are advertised, a lot of kids think there is nothing wrong with them. We do know that in one particular kind, called the jewel, in one of the cartridges there is as much nicotine as a whole pack of cigarettes and they definitely are marketing these to children. One of the latest flavors is cotton candy. We are really working with the schools and the parents trying to educate them as to what this is. This particular one looks like a mini USB flash drive. The teachers, the schools, and the parents don't even know what the kids are doing with it.

We have begun to do prenatal home visits in addition to our newborn home visits. Those are free for any pregnant women. We do a safety assessment with the house, the mom, the babe. If someone does meet the criteria we have cribs to give through the Delaware Foundation.

Mosquito season is over as we have had our first frost. We will be picking the traps up shortly.

We recommend everyone six months and older get a flu shot.

A couple of months ago myself, along with Mayor Monahan and Council member Thatcher and a few others met to discuss the issues on Mohican in Concord Township. Two staff members from different divisions have been down there a couple of times trying to keep an eye on things that we have authority over. I sent out an email a week ago to all the people that were at the meeting asking for an update. I have not heard back from Concord but I will be attending their meeting Wednesday night so I will have face to face with Mr. Haney and find out what we are doing about the cat situation as well as the junk car situation because they have control over the zoning.

Council member Stacy asked Shelia if the places that sold the e-cigarettes could give out free samples.

Shelia said they cannot give out free samples. One of our groups that works with the tobacco coalition, apparently what the children are doing is, they are getting Amazon gift cards or other kinds of gift cards and they can go online and buy these and all they have to do is check mark that they are over eighteen. There are absolutely no controls in there. That is one of the areas that the coalition is working on.

### **Communications**

Mayor Monahan gave the following report:

I finally received the ISO Report from Concord Township Fire Department. The rating for the fire department has gone from a 6 to a 4. A one means you live next door to a fire station. A ten means you've never seen a fire station. This rating is going to help with your home owner's insurance. I checked with my agent and he said it will have an impact. This goes into effect December 1, 2018.

As follow up to the Income Tax distribution issue we have been experiencing:  
From Shirley on 10-18-18:

The following is a response I just sent to Dan answering his question.

The State is only collecting the net profit income tax from businesses that have opted in to pay their net profit income tax to the State instead of through RITA. The businesses in Shawnee Hills still pay to RITA according to reports that I can view. The State's May report only showed two businesses that paid and they do not have a building here in the village. I am still waiting for the September report.

I will give everyone the yearly RITA report at Finance Monday night.

Shirley

- Email I sent on 10-18-18 to Finance/Council, Shirley and Steve:
- Good, I am glad that my assumption appears not to be right, that it was the state. RITA is much more controllable than the state and RITA is to call me today, after I communicated with Kent Scarrett at the OML yesterday. I will let you know what Amy reports. Shirley, Finance and Council will need the last 4 to 5 year report (that we can share) on quarterly RITA distribution to give Finance and Council a view. Thanks!
- Based on the conversation Shirley and I had yesterday, that we are within the 2019 budget, I believe we still need to look at potential 5 % - 10 % cuts (if needed) because of unforeseen expenses. Not advocating it, just want to have a thought through mitigation if needed in 2019.
- Shirley heard from RITA on 10-18, they let us know we have lost a \$35K income tax resident after 2017. We will need to watch if the snapshot from RITA improves as the year wraps up.
- This is a KEY reason why we need to continue to remind our residents who work at home to make sure their income taxes are paid to the Village.

- I also asked Craig Tuthill and Rob Thatcher, via the Chamber, to request the businesses do an audit to assure that their employees income taxes are being paid to the Village and not to another municipality.
- I think this will help us get a better view of our current and future direction. It took a lot of the “collective we” to get finances under control in 2008 and 2009 and proudly want to make sure it stays sound.  
Thanks all!  
Pat
- I do want to thank Councilmember Gates for her help working with Sen Jordan’s office to help us determine the shortage. I do wish we had received the like help from Rep Brenner’s office. It would have shortened our search

Mary Gates, Dan Mathews and I will meet and we will be reviewing any resumes we have received as the Village Administrator review committee. We have added an email submission to the job add that Shirley to post it on all the proper places including our website. Any applicants are to: Mail or email their resumes to us by Oct 29<sup>th</sup>.

The screening committee will meet the 1st week in November to screen the resumes. We will schedule reviews throughout the next 2 weeks. The committee will make a recommendation to Council no later than the Dec 10th meeting for confirmation and hopefully hiring.

I ask that following that we have the new Village Administrator spend about 5 days with Steve for a handoff.

### **Mayor’s Report**

Mayor Monahan gave the following report:

Trick or Treat is on October 31<sup>st</sup> from 6:00 p.m. to 8:00 p.m.

We do have a P & Z meeting tomorrow evening at 6:30 PM. We will be hearing the application to build a pole building as the new Wine Bistro. Today our code, since the mid-nineties, has disallowed the pole buildings. Planning and Zoning will make a recommendation to council on that portion of the code.

Our Veterans Celebration will be on Saturday November 10th at 11 AM at our Veterans Memorial in our Memorial Park next to the Police station.

Our Holiday tree lighting will be Sunday evening Dec 2nd at 6 PM in our Memorial Park behind the Police station.

The new Vacant Building Registration Code: You do have legislation dealing with people who appear to be ignoring our letters / citations.

First step: Steve created a form that allows the property owner to register the unoccupied building or portion of a building. The form has to request the information set forth in Section 1307.031(c).

The property owner must complete the form (i.e., register the property) and comply with

Chapter 1307.031. A property owner has 90 days after a building becomes vacant. Or, within 30 days of Mark notifying the owner of the requirement to register.

Second step: Mark is notifying property owners that they have 30 days to comply with the Vacant Building Registration (Section 1307.031) and send them the form that was created.

I asked where the Code violation charges are with Shawnee Square:

RE: Trembly

First step: we need to verify that Bill received the notice of violation.

Second Step: If Bill received the letter, we can cite him into Court. If he did not pick up the certified mail, we have to get him served.

[IsaacWiles]

Brian M. Zets

Attorney at Law

On Oct 15th we finished the interviewing process and swore in Zach Gerdeman our newest Police officer. He asked Zach to introduce himself.

Zach said he has been with Ohio Health Police Station for about six years. I am from a small village myself, Columbus Grove, about a half hour north of Lima. I moved here ten years ago to go to Columbus State Community College. I received my Law Enforcement Degree there. Went to the Police Academy there and I have been with Ohio Health ever since.

I want to remind everyone to vote on November 6<sup>th</sup>.

I went to one of the information sessions on Dublin Schools Levy. They said that because it costs fourteen thousand dollars a year to educate one student for one year in Dublin Schools, that it takes a house exceeding seven hundred thousand dollars in value in order to pay the taxes to pay for one student.

### **Committee Reports**

Council member Matney said we had a very lengthy finance meeting prior to this meeting with a lot of agenda items. The first one was a review of our finances year to date and a 2019 budget projection. As has been mentioned a couple of times already we originally thought we had been missing \$58,000.00 in revenue due to State collection of our business income taxes. That is not the case. Our RITA revenues are just down close to \$20,000.00 from last year. Likely from a couple of residents leaving the village and us losing that income. Our budget for next year is pretty tight and hopefully we can revisit that early in the year.

We had been talking about one of our part time employees a couple of months ago. What we agreed to do is propose Steve to offer this employee up to twenty hours per week for the remainder of this year and up to fifteen hours per week during the winter months and potentially twenty hours per week during the busier time of year. All subject to review.

We also discussed 2019 salaries and we agreed, based on our budget situation, that now if there are salary increases it will be in April of 2019, not as hoped in January.

Steve gave an update on easement negotiations in regards to Shawnee Trail.

As mentioned earlier the new village truck will be here next month.

We are moving forward with a new contract for Brian Zets with Isaac Wiles.

The old copier will likely be donated to a church. We did not find any other takers on that.

Russ discussed some shield replacements for the Police Department. They will be expiring in 2019. We discussed some options and we are looking for him to get some information on how much it would cost to possibly replace three of them. Hopefully we can do that early 2019.

We also are moving forward with some policy changes on village employees vacation schedule. It will be adjusted a bit. Employees with one to two years of service will receive five days of vacation. Two to five years will receive ten days of vacation. Five to ten will be fifteen, ten to fifteen would be twenty days, fifteen to twenty-five years of service would receive twenty-five days. If you are awesome and you are here over twenty-five years you could potentially receive an extra day per year of service.

Council member Stacy said it was a pretty uneventful Safety meeting last time. I think Russ and others have already discussed the issues we talked about. The only thing I think we didn't talk about tonight was some signage in the village and that was going to go to Finance to talk about the financial issues of replacing some of the traffic signs.

Chief Baron said we have the ability to do phase one of that project which would be pull the fifteen mile per hour signs. Strategically put six to eight twenty-five mile per hour signs out. Then in 2019 slowly replace the other ones that we discussed. Mark came back with an approximate cost of \$1,000.00 to do this and the money is already appropriated in the Street Fund so no Council action is needed.

### **Legislative Actions**

Third Reading- Ordinance 28-2018 – An Ordinance to appropriate funds for current expenses and other expenditures of the Village of Shawnee Hills, State of Ohio, during the fiscal year ending December 31, 2019. It was moved by Mathews, seconded by Hanna to adopt Ordinance 28-2018. Following vote on the motion is recorded: yea, 6; Gates, Hanna, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 6-0 vote.

Third Reading- Ordinance 31-2018- An Ordinance amending Section 1307.08(b) of the Village of Shawnee Hills Codified Ordinances. It was moved by Thatcher, seconded by Matney to adopt Ordinance 31-2018. Following vote on the motion is recorded: yea, 6; Gates, Hanna, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 6-0 vote.

Second Reading- Ordinance 32-2018- An Ordinance amending Section 1307.08(a) of the Village of Shawnee Hills Codified Ordinances.

Second Reading- Resolution 21-2018- A Resolution authorizing and directing the Village Administrator and Fiscal Officer to execute an agreement with Volunteer Energy Services, Inc. to provide retail natural gas services. Shirley said that Jay from Aspen Energy asked that this be passed as an emergency measure due to the reporting deadline by PUCO. It was moved by

Thatcher, seconded by Matney to suspend with the third reading and declare Resolution 21-2018 an emergency. Following vote on the motion is recorded: yea, 6; Gates, Hanna, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 6-0 vote. It was moved by Mathews, seconded by Matney to adopt Resolution 21-2018. Following vote on the motion is recorded: yea, 6; Gates, Hanna, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 6-0 vote.

First Reading – Resolution 22-2018- A Resolution opposing State Issue 1 (Also known as the neighborhood safety, drug treatment, and rehabilitation amendment) and declaring an emergency. It was moved by Gates, seconded by Mathews to suspend with the second and third readings and declare Resolution 22-2018 an emergency. Following vote on the motion is recorded: yea, 4; Gates, Hanna, Mathews and Matney. Nay, 2; Stacy and Thatcher. Chair declared the motion failed by a 4-2 vote.

First Reading- Ordinance 33-2018- An Ordinance confirming the Mayor’s appointment of Zachary Gerdeman as a part-time Police Officer for the Village of Shawnee Hills and declaring an emergency. It was moved by Thatcher, seconded by Mathews to suspend with the second and third readings and declare Ordinance 33-2018 an emergency. Following vote on the motion is recorded: yea, 6; Gates, Hanna, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 6-0 vote. It was moved by Matney, seconded by Mathews to adopt Ordinance 33-2018 as an emergency. Following vote on the motion is recorded: yea, 6; Gates, Hanna, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 6-0 vote.

**Bills**

It was moved by Thatcher, seconded by Mathews to approve the bills in the amount of \$34,914.70. Following vote on the motion is recorded: yea, 6; Gates, Hanna, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 6-0 vote.

**Treasurer’s Report**

It was moved by Mathews, seconded by Hanna to approve the following treasurer’s report:

|                      |            |               |            |
|----------------------|------------|---------------|------------|
| General              | 187,625.43 | Fire          | 25,426.82  |
| Street               | 158,691.93 | Weed          | 6,710.95   |
| State Highway        | 15,658.22  | TIF           | 15,765.00  |
| Parks and Recreation | 3.02       | TIF 2         | 35,368.82  |
| PD Body Armor        | .40        | Veteran’s Mem | 248.97     |
| Cont. Prof. Training | 3,102.66   | Sewer Oper.   | 45,343.69  |
| Drug Law Enf.        | 283.41     | Sewer Repl.   | 185,999.87 |
| Indigent Drivers     | 385.84     | Storm Sewer   | 7,265.81   |
| Enfct. and Education | 1,195.85   | Debt Service  | 149,057.68 |
| Court Computer       | 4,085.88   |               |            |

For a total of \$842,220.25.

Following vote on the motion is recorded: yea 6; Gates, Hanna, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the motion passed by a 6-0 vote.

**Miscellaneous**

Mayor Monahan said in addition to the Veteran’s Memorial celebration we will have a flag retirement from the Boy Scouts up at the Civic Association. Lunch will be provided at the Civic also.

**Adjournment**

There being no further business, it was moved by Hanna, seconded by Stacy to adjourn until November 12, 2018. Following vote on the motion is recorded: yea, 6; Gates, Hanna, Mathews, Matney, Stacy and Thatcher. Nay, none. Chair declared the meeting adjourned at 7:49 p.m.

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Fiscal Officer

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Mayor